



Election / #12  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHWEIFER *et al.*

Appl. No. 09/899,569

Filed: July 6, 2001

For: **Tumor-associated Antigen  
(B345)**

Confirmation No. 1574

Art Unit: 1642

Examiner: Davis, Minh Tam

Atty. Docket: 0652.2280001/EKS/AES

**Reply To Restriction Requirement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

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In reply to the Office Action dated September 24, 2002 (PTO Prosecution File Wrapper Paper No. 11), requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group II, represented by claims 2-4 and 6. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse. The claims of Groups I, II and II should be examined together. These three groups of claims can be examined without serious burden on the part of the Examiner.

MPEP 803 (August 2001), at page 800-4, left-hand column, lines 14-15, states as one of the criteria for restriction that: "There must be a serious burden on the examiner if restriction is required . . . ." Thus, the Patent Office encourages the assertion that examination of the entire application may take place where such search and examination can be made without serious burden, even though separate, non-overlapping searches may be required.

In the present case, Applicants respectfully assert that the search of more than one restriction group does not impose a serious burden upon the Examiner, as a search concerning the patentability of the invention of one group is likely to uncover art of interest to the other group.

Accordingly, in the interest of efficient advancement of prosecution, it is respectfully requested that the Examiner should reconsider and withdraw the restriction requirement. Furthermore, allowance of all pending claims is respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Agent for Applicants  
Registration No. 47,982

Date: October 24, 2002

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October 24, 2002

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Art Unit 1642

Re: U.S. Utility Patent Application  
Appl. No. 09/899,569; Filed: July 6, 2001  
For: **Tumor-associated Antigen (B345)**  
Inventors: SCHWEIFER *et al.*  
Our Ref: 0652.2280001/EKS/AES

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Restriction Requirement; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Ann E. Summerfield*

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